

09/829,600

REMARKS

Reconsideration of the above referenced application in view of the enclosed amendments and remarks is requested. Claims 21-28 have been cancelled. Claims 29-35 have been added. Claims 1, 8 13, and 15 have been amended. Claims 1-20 and 29-35 remain in the application.

ARGUMENT

Claims 1-5, 7-19, and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. 6,496,851, issued to Morris (hereinafter Morris).

Claims 1, 8, and 15 have been amended to add the limitations that the dedication is for playback by at least one of a browser application and a media player application on a processing system operated by a second user, and that the dedication is automatically applied to the play list of the second user without interaction by the second user. That is, when a second user is operating either a browser or a media player application on a processing system to render content denoted in a play list, the first user may cause the adding of the first user's dedication to the second user's play list and resulting playback of content in an automatic fashion without requiring interaction (or even knowledge) of this activity on the part of the second user. Thus, the effect for the second user is hearing or seeing the dedication of the first user in the middle of listening or watching content in the second user's play list. Furthermore, in some embodiments, this may take place over a network, wherein the first and second users may be "on-line."

These limitations are not taught or suggested by Morris, since Morris teaches nothing about media players, browsers, play lists, or dedications. Morris instead focuses on cooperative on-line gaming and chat applications, and does not teach or suggest that a first user can insert content into a play list of a second user without interaction by the second user with the play list. The Examiner admits that Morris does not teach or suggest applying the dedication to the second user's play list.

09/829,600

Furthermore, Morris does not teach or suggest that the second user's play list may be automatically adjusted by insertion of the dedication by the first user.

Furthermore, no one skilled in the art would modify the teachings of Morris to use an application program (applet) operating a chat room as a play list in the manner recited in claims 1, 8, and 15. This is nonsensical. Morris' system is an instant messaging (IM) system, known and used by millions of AOL users. IM is an application program used to send short text messages between currently on-line users. IM is not a media player application such as Windows Media Player, RealPlayer, or WinAmp, that may operate according to a play list, or an Internet browser application such as Internet Explorer which may be used for streaming audio and/or video features such as Internet radio. A play list is a data structure, not an application program. The concepts of structure and operation of media players, browsers, and play lists on one hand, and IM on the other, are very different. IM does not use play lists at all. One skilled in the art would not be motivated to modify an IM application to treat chat room sessions as play lists. The fact that a game can be played or a file can be transferred via an IM chat session teaches or suggests nothing about automatically applying a dedication to a play list of another user as claimed in claims 1, 8, and 15.

For at least the above reasons, claims 1, 8, and 15 are allowable as presented, as well as all claims dependent therefrom (i.e., claims 2-7, 9-14, and 16-20).

Additionally, with respect to claim 2, the Office action summarily rejects claim 2 on the basis of Morris, yet provides no discussion as to where the limitations of claim 2 are taught or suggest in Morris. Specifically, claim 2 recites the limitation of receiving a message and at least one insertion point from the first user, and applying the dedication and the message to the play list according to the at least one insertion point. The Office action of August 29, 2003 provides no real basis for rejecting this claim because it does not state where the limitations are taught or suggested in Morris. Specifically, there is no teaching or suggestion in Morris of the concept of insertion points into a play list. Therefore, claim 2 is allowable as presented.

09/829,600

The final Office action of August 29, 2003 provides no basis for rejecting claims 10-14. Without more, these claims are allowable since the Patent Office has not fulfilled its burden in providing a basis for rejection of the claims. In particular, Claim 13 recites the limitation wherein an indication that the first user is online is received and that this causes the dedication to be applied to the play list that the first user is currently experiencing by transmitting the dedication to the network. That is, this means that the first user's current play list gets updated with the dedication, so that the first user subsequently hears or sees the dedication while on-line. Nowhere in Morris is such a concept taught or suggested. Furthermore, claim 14 recites the limitation that the message is to be applied to the play list as a voice over. That is, the message, if in text format, is converted to speech and played at the same time as the dedication in the play list. This is not taught or suggested by Morris. Claims 10-14 are allowable as presented.

Claims 6, 20, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable Morris in view of U.S. Pat. 6,539,354, issued to Sutton (hereinafter Sutton).

Claims 6 and 20 depend from allowable independent claims 1 and 15, respectively. Therefore, these claims are also allowable.

CONCLUSION

In view of the foregoing, Claims 1-20 and 29-35 are all in condition for allowance. If the Examiner has any questions, the Examiner is invited to contact the undersigned at (503) 264-8074. Early issuance of Notice of Allowance is respectfully requested.

Respectfully submitted,

Dated: 10/14/03

Steven S. Kalbrat